

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX DIGITAL
GROUP, LLC; DAVID SCHAEFER; JORDAN
GREEN; JEFFREY CONWAY AND JAMES
MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.’S
UNOPPOSED MOTION TO SEAL**

NOTE ON MOTION CALENDAR:
November 13, 2023

At the request of Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively, “Defendants”), Plaintiff Bungie, Inc. (“Bungie”), pursuant to LCR 5(g) and the Stipulated Protective Order entered by the Court in this matter (Dkt. No. 60), hereby moves to file under seal Exhibits A, B, C, D, and N to the Declaration of Christian Marcelo in support of Bungie’s Response to Defendants’ Motions in *Limine* and the accompanying references to these exhibits and information contained in Bungie’s Response to Defendants’ Motions in *Limine*.

A party may file a document under seal without prior court approval “[i]f the party files a motion or stipulated motion to seal the document . . . at the same time the party files the sealed document.” LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the parties met and conferred about the need to file the document under seal, the ability to minimize

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1 the material filed under seal, and the possibility of exploring alternatives to filing under seal. LCR
2 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file
3 confidential documents it obtained from another party in discovery may file a motion to seal but
4 need not provide a specific statement of the applicable legal standard and the reasons for keeping
5 a document under seal. LCR 5(g)(3)(B).

6 Here, the exhibits that Bungie intends to file under seal consists of excerpts of deposition
7 transcripts from Defendants that Bungie has designated for use at trial that were taken in the
8 parallel JAMS arbitration proceeding between the same parties and which were designated in their
9 entirety as Confidential by Defendants, as well as the video deposition files associated with these
10 excerpts. Bungie has an obligation to maintain the confidentiality of this information under the
11 stipulated protective order in this case and the virtually identical order in the arbitration
12 proceeding.

13 On November 12, 2023, Bungie's counsel notified counsel for Defendants via email of its
14 intent to file Exhibits A, B, C, D, and N to the Declaration of Christian Marcelo in support of
15 Bungie's Response to Defendants' Motions in *Limine* and the accompanying references to these
16 exhibits and information contained in Bungie's Response to Defendants' Motions in *Limine*, and
17 asked Defendants to confirm whether they intended to maintain their confidentiality designations
18 over those portions of the transcripts. Defendants' counsel stated that the excerpts are still
19 confidential and did not provide a basis for the confidential designations.

20 A proposed order accompanies this motion.

21 I certify that this memorandum contains 419 words, in compliance with the Local Civil
22 Rules.

1 Dated: November 13, 2023

By: /s/William C. Rava

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